

Staff Summary Report



Hearing Officer Hearing Date: July 17, 2007

Agenda Item Number: 10

SUBJECT: This is a public hearing for a request by the **STUDIO VINO (PL070257)** located at 1825 East Guadalupe Road for one (1) use permit.

DOCUMENT NAME: 20070717dssa03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **PUEBLO ANOZIRA SHOPPING CENTER – STUDIO VINO (PL070257)** (Karen Zemper, applicant; Ryan Smith/Weingarten Realty Investors, property owner) located at 1825 East Guadalupe Road in the PCC-1, Planned Commercial Center District for:

ZUP07082 Use permit to allow a domestic farm winery (custom wine boutique).

PREPARED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

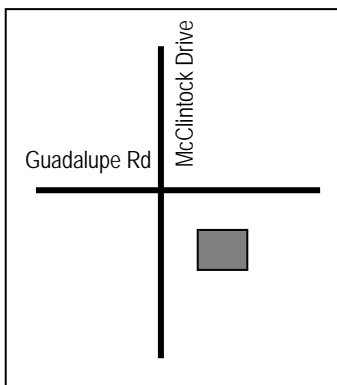
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LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions (1 – 6).

ADDITIONAL INFO: Studio Vino is before the Hearing Officer to request approval of a use permit to allow a domestic farm winery (custom wine boutique) with a Series 13 Arizona Department of Liquor Control License at 1825 East Guadalupe Road in the PCC-1 Planned Commercial Center District. The business plan is to provide wine-making instructions so that clients may create and bottle their own wines on the premises. The process will involve wine-tasting. There has been no public input to date. Staff recommends approval of the request as submitted.



PAGES:

1. List of Attachments
2. Comments; Reason(s) for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site Plan
5. Floor Plan
- 6-9. Staff Photograph(s)

COMMENTS:

The applicant is requesting approval for a use permit to allow a domestic farm winery with a Series 13 Arizona Department of Liquor Control License in the PCC-1, Planned Commercial Center Neighborhood District. The site is located within the Pueblo Anozira Shopping Center at the southeast corner of Guadalupe Road and McClintock Drive. Studio Vino is proposing to occupy a 1,400 s.f. suite housed in the southern portion of the center.

This proposal is for a custom wine-making boutique whereas customers receive instruction on how to create specialty wines based on their specifications. The training process will include wine tasting. The customers will then make and bottle their own wines. Initially, the business will have one (1) employee (the owner). The proposed hours of operation will be Monday through Friday from 5:00 p.m. until 8:00 p.m.; Saturday and Sunday from 10:00 a.m. until 7:00 p.m. and by appointment.

To date, staff has received no public input to this request.

Use Permit

The Zoning and Development Code requires a Domestic Farm Winery to obtain a use permit in the PCC-1, Planned Commercial Center Neighborhood District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This is a retail / boutique use, akin to others within the shopping center; there should be no nuisances.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the request for the use permit subject to the attached conditions of approval.

REASON(S) FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. There will be no apparent damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
3. The use appears to be compatible with the building, site and adjacent properties.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S)

OF APPROVAL:

1. This use permit is valid for Studio Vino / Karen Zemper and may be transferable. Should the business be sold, the new owners must contact the Board of Adjustment/Hearing Officer staff for review of the business operations.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
4. Any expansion or intensification of the use will require review of the use permit.
5. The use permit is valid for the plans as submitted within this application.
6. Submit a security plan with the Tempe Police Department within 30 calendar days (**August 17, 2007**). Contact Officer Derek Pittam at (480) 858-6341.

HISTORY & FACTS:

None pertinent to this request.

DESCRIPTION:

Owner – Ryan Smith/Weingarten Realty Investors
Applicant – Karen Zemper
Existing zoning – PCC-1, Planned Commercial Center District
Suite Area – 1,400 s.f.

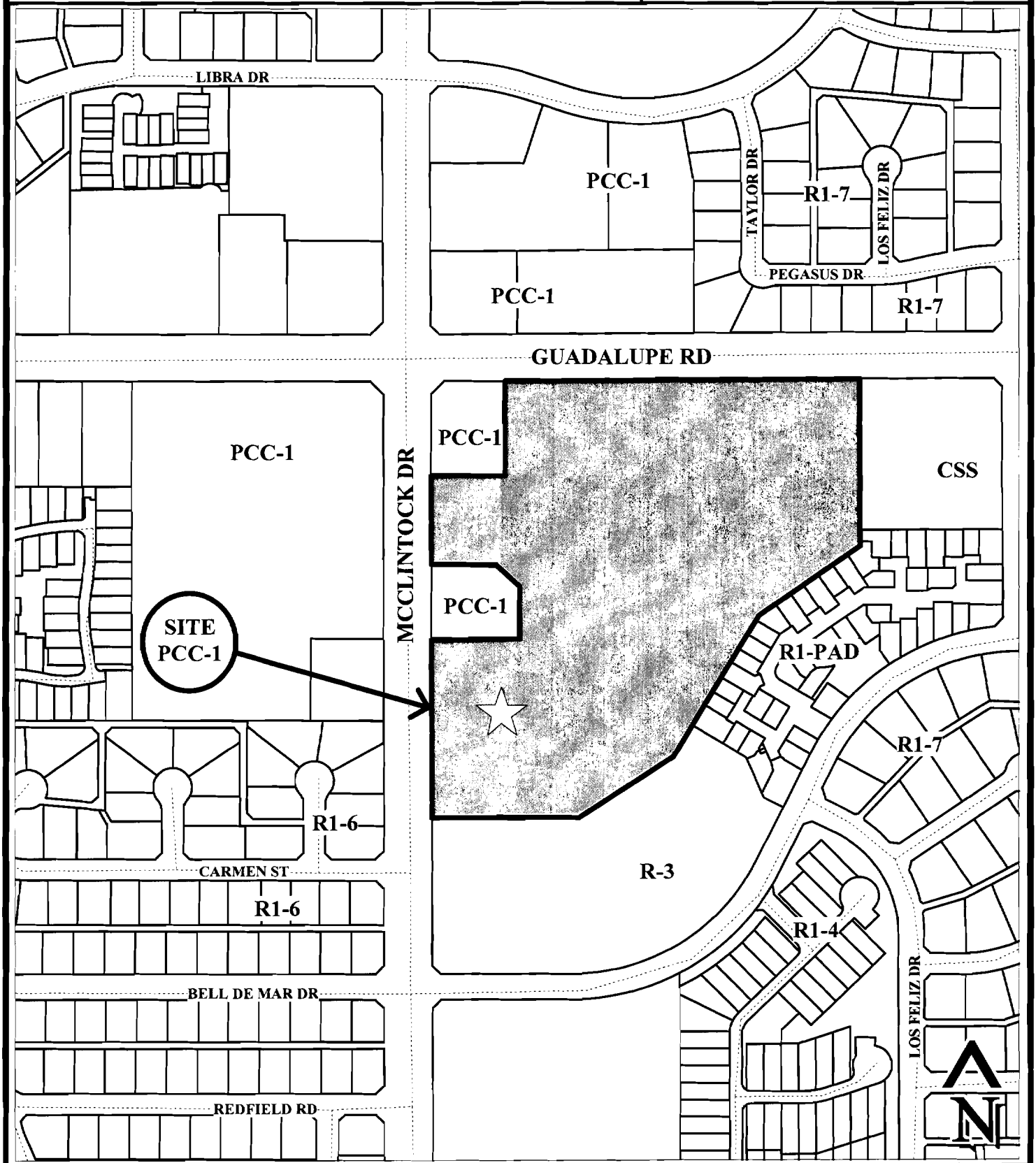
ZONING AND
DEVELOPMENT
CODE REFERENCE:

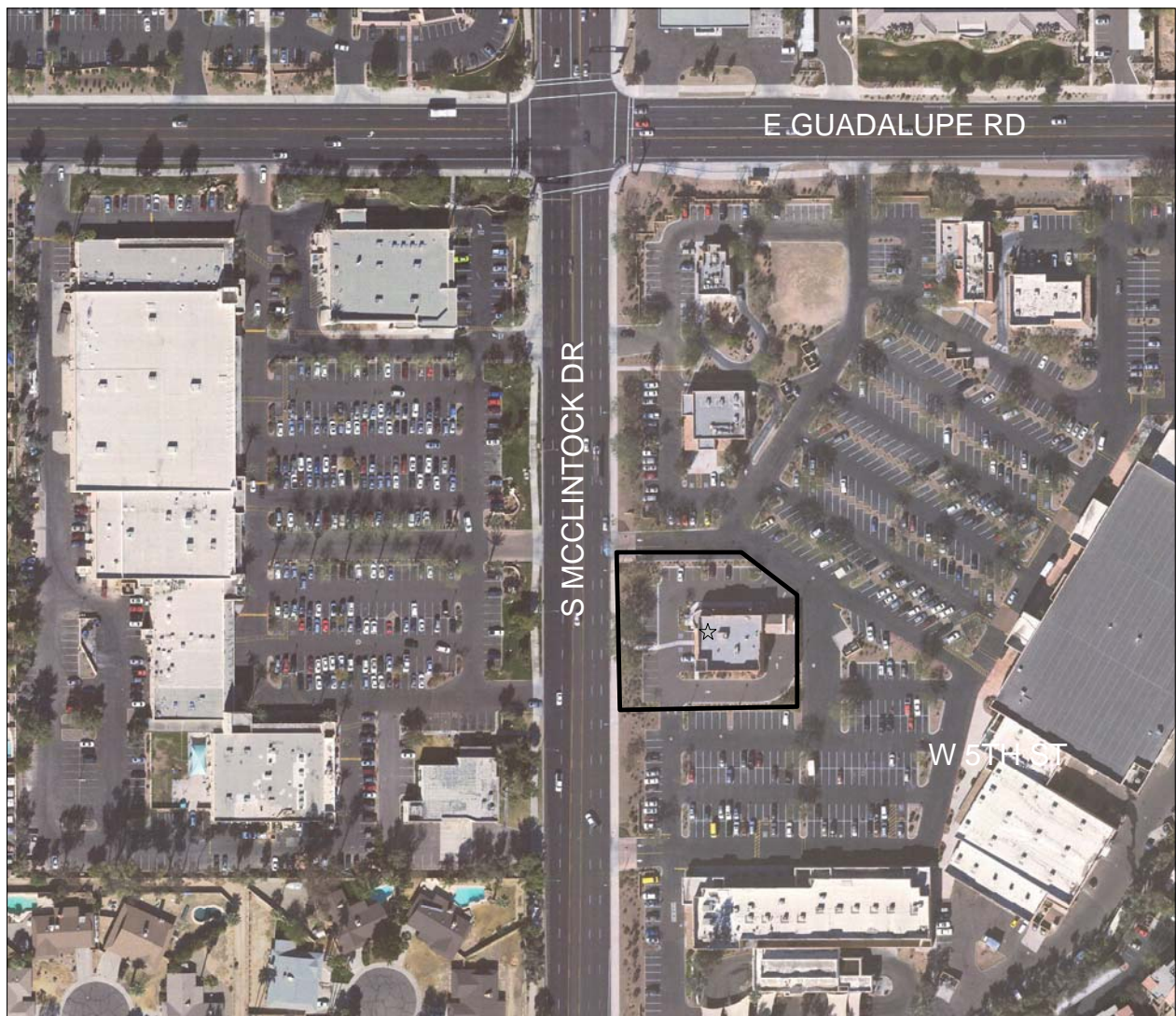
Part 3, Chapter 2, Section 3-202
Permitted Uses in Commercial and Mixed-Use Districts – Table 3-202A – Permitted uses in Commercial and Mixed-Use Districts.

Part 6, Chapter 3, Section 6-308
Use Permit.

PUEBLO ANOZIRA SHOPPING CENTER - STUDIO VINO

PL070257





PUEBLO ANOZIRA SHOPPING CENTER - STUDIO VINO (PL070257)



June 18, 2007

To Whom It May Concern:

This letter serves as a Letter of Explanation as to Studio Vino's intent to request a Use Permit.

Studio Vino is a custom wine boutique wherein customers will mix, bottle, cork and label their own wine. Wine making will be initiated using wine kits – in essence, starting with concentrated grape juice. The wine will be mixed, fermented, racked, filtered and bottled onsite.

In addition to providing customers an opportunity to learn about the wine making process and have first-hand experience in tasting, making and bottling their own wine, Studio Vino will also sell wine by custom-order upon request. For purposes of tasting/sampling, Studio Vino will sell wine in its original container for consumption on or off-site.

During the course of a customer's visit, he/she will be provided an opportunity to taste small quantities of wine for the purpose of sampling.

During wine making and bottling events, which will be scheduled ahead of time, customers will be permitted to purchase wine made on premise for the purpose of consumption while the event is occurring.

Studio Vino anticipates two basic client types:

1. individual/families interested in making or purchasing wine to commemorate special events (i.e. weddings, parties, graduations, anniversaries, etc)
2. corporate groups interested in making or purchasing wine for purposes of gift giving or client recognition

Studio Vino is in process of applying for a Series 13 liquor license through the AZ Department of Liquor License and Control which grants legal licensing to operate business in this manner.

Custom wine will be sold by 'batch' for a fee of \$329 per. Individual bottles of wine made on-site will be sold within a price range of \$7.00 to \$15.00 depending upon wine type and bottle size.

Due to the limited quantities of wine consumed (both for tasting/sampling and during an event), we believe the Use Permit under question:

- Will not cause any significant vehicular or pedestrian traffic in adjacent areas
- Will not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions
- Will not contribute to disruptive behavior which would cause nuisance to surrounding area or general public
- Will be compatible with existing surrounding structures
- Will contribute to the overall business climate of Tempe and the immediate vicinity by providing "upscale" education in wine making

Thank you for your review of our business Letter of Explanation.

Regards,

A handwritten signature in black ink, appearing to read "Karen Zemper".

Karen Zemper
Owner/President

7 TH AMENDED

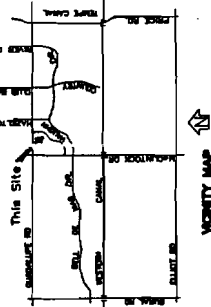
FINAL
TOWNSHIP 1

1/4 COR. SEC. 12, T.14S, R.14E
PD. BC. IN N.M.

ENGINEER
WOODPATE ASSOCIATES, INC.
1105 NORTH 10TH STREET, SUITE 120
PHOENIX, ARIZONA 85016 (602) 961-3140

ARCHITECT
SCHERER DAY ASSOCIATES
ARCHITECTURE INTERIOR DESIGN PLANNING
2005 NORTH 4TH STREET, SUITE 212
PHOENIX, ARIZONA 85016 (602) 961-1877

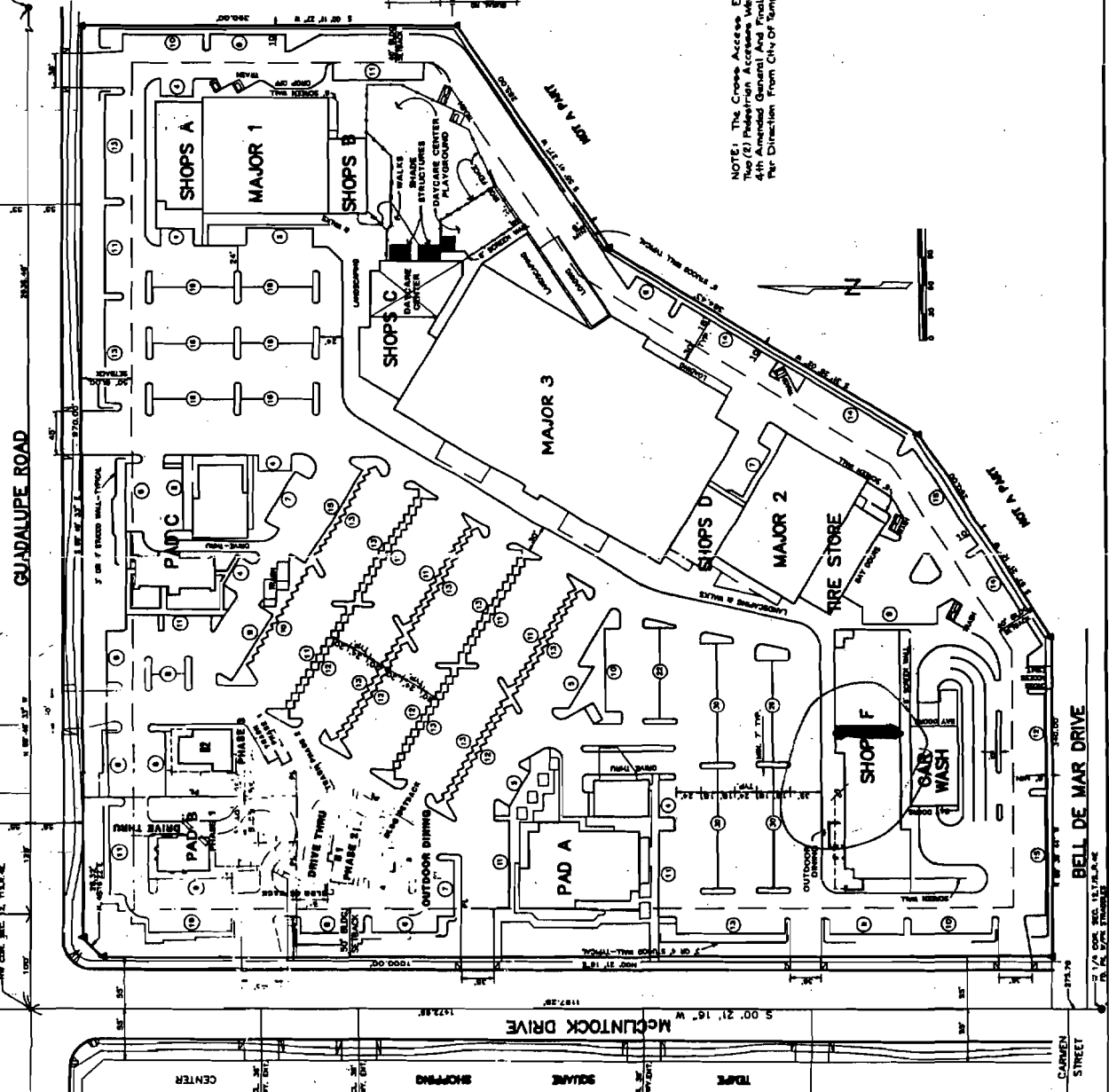
DEVELOPER/OWNER
LOHAS INTERNATIONAL USA
1480 VICKSBURY DRIVE
DALLAS, TEXAS 75205



NOTE: The Groves Access Easement And
Top (2) Pedestrian Accesses Were Eliminated For The
4th Amended General And Final Plan Of Development
Per Direction From City Of Tempe Representatives.

1. ALL BUILDINGS WILL MEET SPRINKLER CODE REQUIREMENTS
2. NO OUTDOOR DISPLAY OR STORAGE OF WHEELS, ETC. IS ALLOWED.
3. SEPARATE AREAS AND SHOW, PAVA, BUILDING LOCATIONS AND
CONFIGURATIONS WILL BE DETERMINED DURING FINAL DESIGN.
4. 100 YEAR RETENTION WILL BE PROVIDED ON SITE. (11-2-2005)
5. ALL THE NECESSARY CONNECTIONS WILL BE ON THE FRONT SIDE OF
THE BUILDING. EXCEPT BUILDINGS A, B, C ON SITE THE LOOP WILL
BE IN THE REAR.
6. SEWER LOCATIONS WILL BE PROVIDED IN ACCORDANCE WITH THE CITY
OF TEMPE SANITATION DEPARTMENT REQUIREMENTS.

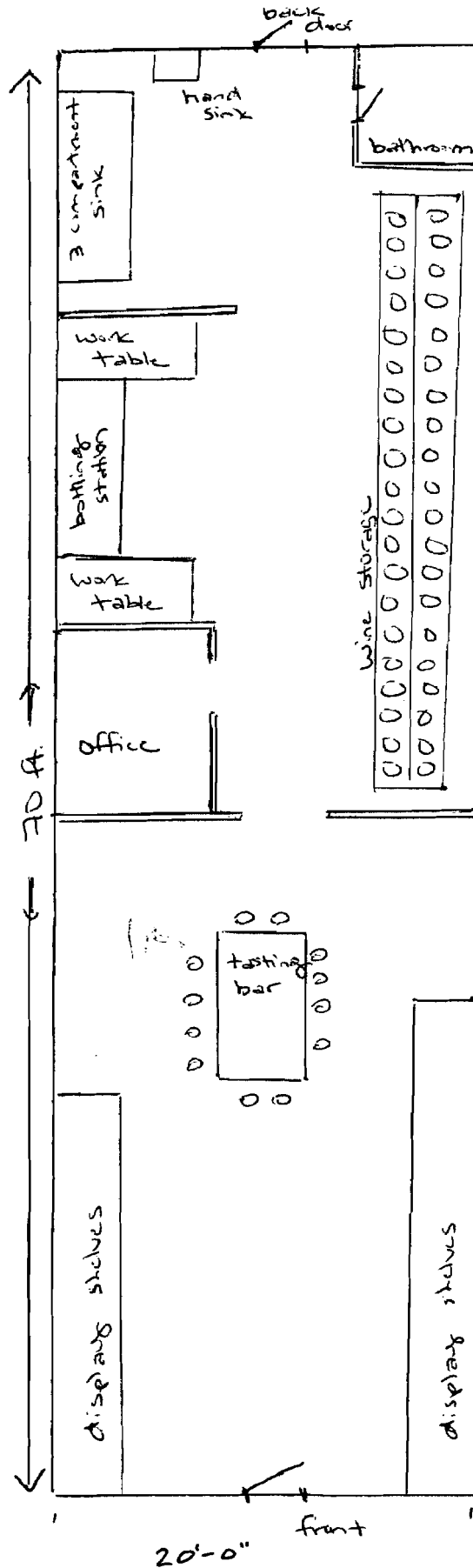
GUADALUPE ROAD



Studio Vino - Floor Plan

1 inch = 8 feet

1,400 ☐ TOTAL





STUDIO VINO

1825 E. GUADALUPE RD

PL070257

REAR OF CENTER: EXTERIOR SERVICE CORRIDOR



STUDIO VINO

1825 E. GUADALUPE RD

PL070257

REAR OF CENTER: VIEW TO NORTH



STUDIO VINO

1825 E. GUADALUPE RD

PL070257

FRONT OF SUITE: VIEW TO SOUTH



STUDIO VINO

1825 E. GUADALUPE RD

PL070257

REAR DOOR: VIEW TO NORTH